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SMITH & HOPEN PA  
15950 BAY VISTA DRIVE  
SUITE 220  
CLEARWATER FL 33760

In re Application of :  
John F. Baxter, et al. :  
Application No. 10/605,202 :  
Filed: September 15, 2003 :  
For: AUDIO CONTENT DISTRIBUTION SYSTEM :

DECISION ON PETITION  
TO MAKE SPECIAL

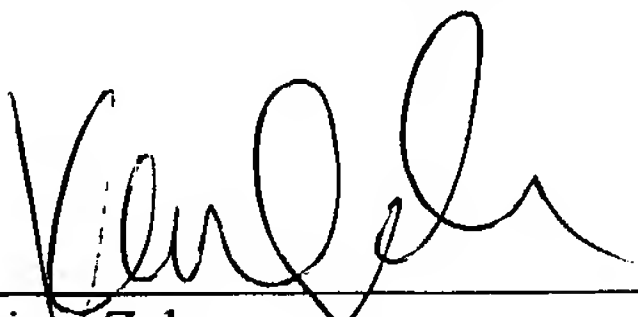
This is a decision on the petition filed September 29, 2003 (and duplicate copy filed August 3, 2004) under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination. This decision is also responsive to the status inquiry filed April 1, 2004.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:

- (1) be filed prior to receiving any examination by the examiner,
- (2) be accompanied by the required fee- \$130,
- (3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
- (4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
- (5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
- (6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petitioner meets all the above-listed requirements. Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant. The application file is being forwarded to the examiner for appropriate action in due course.

  
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Communications